



DEPARTMENT OF THE ARMY

NEW ORLEANS DISTRICT, CORPS OF ENGINEERS

P.O. BOX 60267

NEW ORLEANS, LOUISIANA 70160-0267

REPLY TO
ATTENTION OF:

DEC 12 1993

Operations Division
Regulatory Branch

SUBJECT: CEMVN-OD-S (General Permit) NOD-128

DEPARTMENT OF THE ARMY

GENERAL PERMIT

FOR

SMALL WHARVES, BOAT SHEDS, BULKHEADS, AND ASSOCIATED DREDGE AND FILL ACTIVITIES

AUTHORIZATION NO.: (General Permit) NOD-128

EFFECTIVE DATE: March 31, 1993

EXPIRATION DATE: December 31, 2008

Specific legislation requiring Department of the Army permits for these activities are:

a. Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403).

b. Section 404 of the Clean Water Act (33 USC 1344).

The types of projects specifically intended for authorization under this general permit are the construction of small wharves, boat sheds, bulkheads, and associated dredge and fill activities for private use within the boundaries of the New Orleans District. To obtain approval under this general permit, projects must comply with the following conditions:

a. The maximum length of the bulkhead will be 200 feet.

b. In rivers, streams, or bayous, bulkheads may not be constructed channelward of the mean low water shoreline; in lakes, bays, or arms of the sea, bulkheads may not be constructed channelward of the mean high water shoreline.

c. To the maximum extent practicable, bulkheads shall be constructed at the mean high water shoreline; otherwise they shall be constructed no more than 6 feet channelward from the mean high water shoreline, provided the project meets the terms of condition b above. Bulkheads shall not block tidal inlets or hydrologically isolate more than 1 acre of tidal wetlands.

d. Dredging may be performed along the length of the proposed bulkhead from the bank to the centerline of the channel to a maximum depth of the existing centerline depth. However, dredging of vegetated wetlands adjacent to bulkheads is not authorized under this general permit.

e. Dredged material may not be placed in vegetated wetlands and must be free of contaminants.

f. Dredged material may be placed behind bulkheads to the elevation of the existing high bank or the top of the bulkhead, whichever is less.

g. Wharves, decks, and piers up to 300 square feet, as well as single story timber or float supported boat sheds that cannot serve as a camp or residence may be authorized provided that any of the structures identified above:

1) are no longer (i.e. channelward extension into waterway) than 10 percent of the waterway width at the project site, or

2) will not cause unreasonable interference with navigation; the permittee must adhere to U.S. Coast Guard lighting and marking requirements.

h. Work authorized under this general permit is limited to private, non-commercial purposes.

i. This general permit cannot be used for piecemeal activities, nor is it valid for any activity that is part of an overall project for which the New Orleans District has determined that an individual permit is required.

The proposed general permit would not authorize work within the following areas:

- a. Within 1,500 feet of a known rookery area.
- b. Within an area that will adversely affect federally listed threatened or endangered species or their critical habitat (e.g., within 0.5 o a mile of a known bald eagle nest site).
- c. Within 1,000 feet of a levee or other flood control facilities constructed or maintained with federal funds, or owned and operated by agencies of state and local governments without the written consent of the appropriate agency or governing body.
- d. At or within close proximity to any known historic or archeological sites or within the boundaries of a historic district without the written approval or waiver from the State Historic Preservation Officer or the appropriate authority.
- e. Streams included in a state or federal system of scenic and natural waterways.
- f. Natural or man-made waterways which are components of Corps of Engineers flood control, hurricane protection, or navigation projects until reviewed by the appropriate elements of the New Orleans District.
- g. Within any oyster seed ground, oyster reservation, oyster producing areas, or public oyster harvesting grounds.

Work authorized by this general permit would be subject to applicable conditions on ENG Form 1721 (enclosure 1), as well as those stated above. Additional conditions may be added to the general permit by the District Engineer if it is found to be in the public interest to do so. The District Engineer may choose not to grant approval under this general permit and may require

not to grant approval under this general permit and may require that the project be evaluated as an individual permit.

Work authorized under this general permit may not commence unless and until all required local, state, and other federal permits, licenses, authorizations, and certifications are obtained. This includes, but is not limited to:

1. A coastal use permit or waiver (if applicable) signed by the Secretary of the Louisiana Department of Natural Resources or his/her designee; and

2. A water quality certification (if required) from the Louisiana Department of Environmental Quality, Office of Water Resources.

Applicants requesting authority to perform work under this general permit would be required to provide the following:

1. A completed application form (ENG form 4345).

2. A location map on 8 1/2- by 11-inch paper.

3. Plan view and cross section drawings clearly depicting the proposed work, amount of material to be dredged and/or deposited in cubic yards, dimensions of all work areas and structures, and a graphic scale, all shown on 8 1/2- by 11-inch paper (sample drawings are attached at enclosure 2).

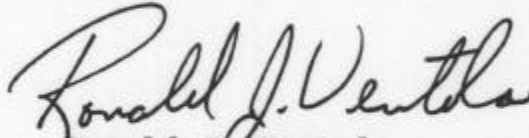
4. For projects which include bulkheads, a discussion of alternative stabilization methods (i.e., riprap, gabions) considered and reasons why an apparently less damaging alternative was not selected.

5. The permitted activity must not interfere with the public's right to free navigation on all navigable waters of the United States.

6. The permittee must install and maintain, at the permittee's expense, any safety lights, signs, and signals prescribed by the U.S. Coast Guard, through regulations, or otherwise, on the permittee's authorized facilities.

7. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structure work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

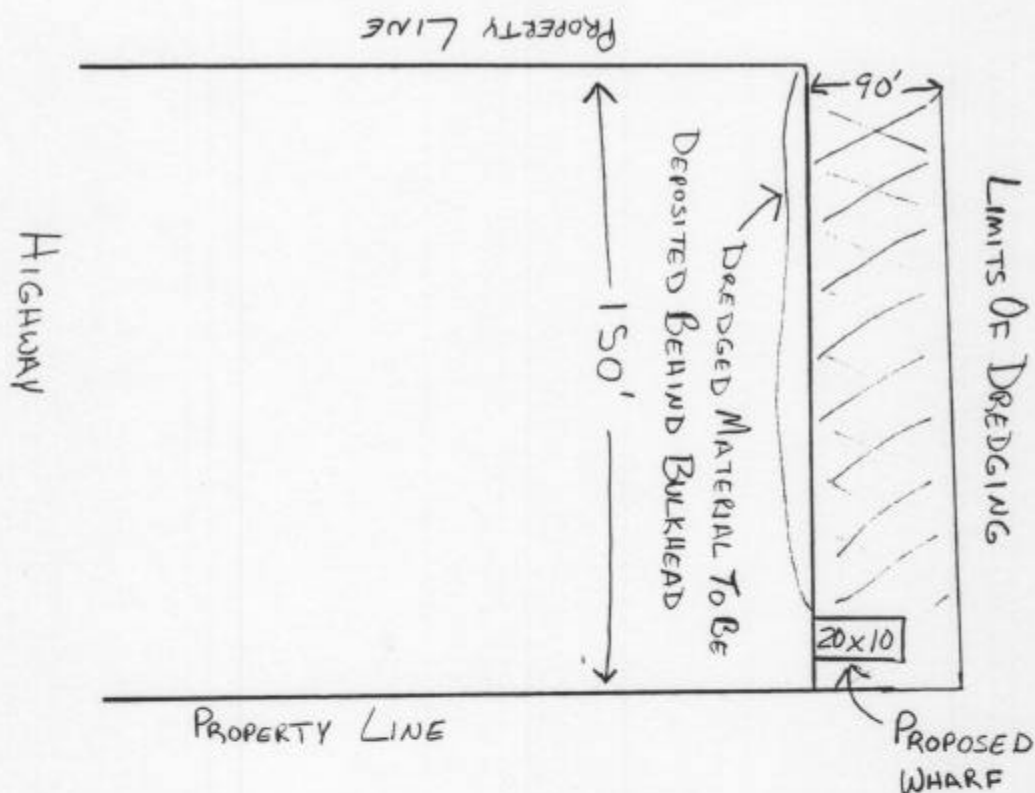
BY THE AUTHORITY OF THE SECRETARY OF THE ARMY:

A handwritten signature in dark ink, reading "Ronald J. Ventola". The signature is fluid and cursive, with the first name "Ronald" being the most prominent.

Ronald J. Ventola
Chief, Regulatory Branch
for
Peter J. Rowan
Colonel, U. S. Army
District Engineer

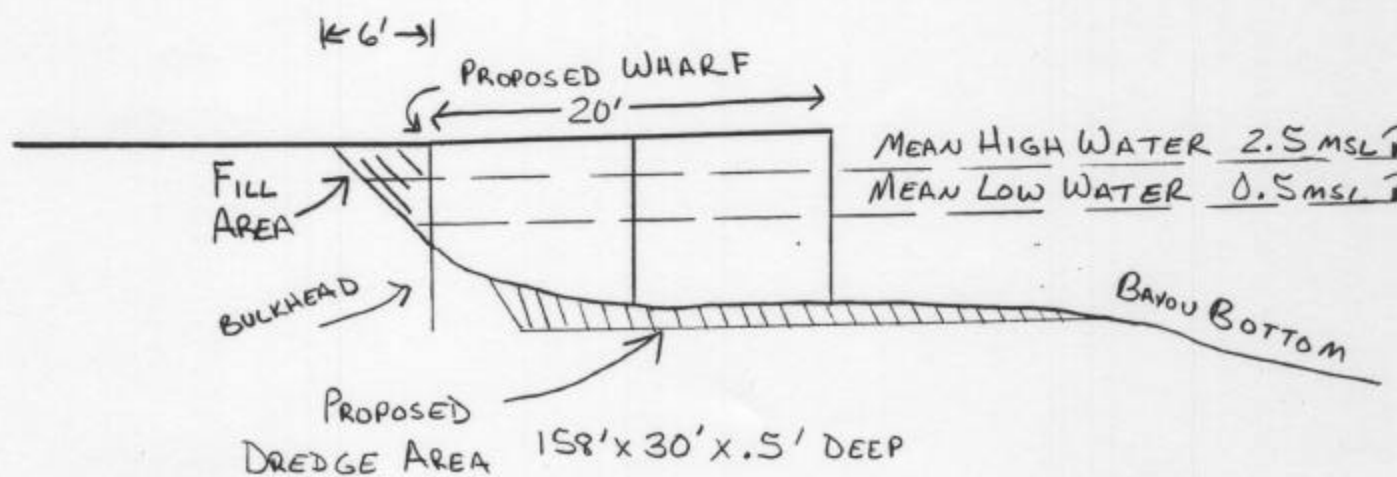
Enclosures

BAYOU X



PLAN VIEW
SCALE 1" = 50'

CROSS SECTION
SCALE 1" = 10'



≈ 87 CUBIC YARDS TO BE REMOVED AND DEPOSITED